

The principle of legality in European criminal law

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Propositions

1. Writing on the legality principle without arduous provocation and modernisation of its Enlightenment ideals is uneventful.
2. Most questions regarding the legality principle are in essence about the balance between negative (vertical) and positive (horizontal) individual autonomy.
3. Legitimacy in criminal law is to be found neither in crime control nor in legal protection, but in their relationship.
4. England does not have a 'legality principle' indeed; but only as much as the continental law systems have one.
5. Instructing and informing judicial interpretation in criminal law can be as important as restricting it.
6. It is high time one realised that the nation state is not the sole source for legal protection, and in a transnational setting it may even not be such a source at all.
7. A pluralistic and relational attitude towards European criminal law is necessary to protect from excessive arrogance both by national and EU actors.
8. A legitimate European criminal law is based on the Treaties but the exegesis of its existence transcends them; hence, justifying and reasoning a principle solely with Treaty provisions is not enough.
9. The EU should finally harmonise rules on jurisdiction to safeguard foreseeability of criminal action in cross-border setting.
10. The dissertation's most important contribution for the so-called 'knowledge valorisation' is the idea that focusing too much on it would consist excessive instrumentalism.